

Arthur J. Burke (*pro hac vice*)  
Anna M. Kozlowski (*pro hac vice*)  
**DAVIS POLK & WARDWELL LLP**  
450 Lexington Avenue  
New York, New York 10017  
(212) 450-4000  
arthur.burke@davispolk.com  
anna.kozlowski@davispolk.com

Sean P. McConnell (NJ #31352009)  
Sarah O'Laughlin Kulik (NJ #110942014)  
**DUANE MORRIS LLP**  
30 S. 17th Street  
Philadelphia, PA 19380  
(215) 979-1947  
spmcconnell@duanemorris.com  
sckulik@duanemorris.com

*Counsel for Defendants DSM-Firmenich AG, Firmenich International SA, and Firmenich SA*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE FRAGRANCE DIRECT PURCHASER ANTITRUST LITIGATION**

Civil Action No. 23-cv-02174  
(WJM)(JSA)

**IN RE FRAGRANCE INDIRECT PURCHASER ANTITRUST LITIGATION**

Civil Action No. 23-cv-03249  
(WJM)(JSA)

**IN RE FRAGRANCE END-USER PLAINTIFF ANTITRUST LITIGATION**

Civil Action No. 23-cv-16127  
(WJM)(JSA)

**ORAL ARGUMENT REQUESTED**

*Document electronically filed*  
**RETURN DATE:** July 15, 2024

**NOTICE OF FIRMENICH FOREIGN DEFENDANTS'  
MOTION TO DISMISS FOR  
(1) INSUFFICIENT SERVICE OF PROCESS AS TO FIRMENICH SA  
AND (2) LACK OF PERSONAL JURISDICTION**

**To:**

**CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO,  
P.C.**

James E. Cecchi  
5 Becker Farm Road  
Roseland, New Jersey 07068

*Liaison Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**HAUSFELD LLP**

Hilary K. Scherrer (*pro hac vice*)  
888 16th Street NW, Suite 300  
Washington, DC 20006

*Co-Lead Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**KOREIN TILLERY P.C.**

Christopher M. Burke (*pro hac vice*)  
707 Broadway, Suite 1410  
San Diego, CA 92101

*Co-Lead Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**NUSSBAUM LAW GROUP, P.C.**

Linda P. Nussbaum (*pro hac vice*)  
1133 Avenue of the Americas  
31st Floor  
New York, NY 10036

*Co-Lead Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**HAUSFELD LLP**

Scott Martin  
33 Whitehall Street, 14th Floor  
New York, NY 10004

*Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**HAUSFELD LLP**

Katie R. Beran  
325 Chestnut Street, Suite 900  
Philadelphia, PA 19106

*Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**ROBERTS LAW FIRM US, PC**

Mike Roberts  
20 Rahling Circle  
Little Rock, AR 72223

*Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**NUSSBAUM LAW GROUP, P.C.**

Susan R. Schwaiger  
1133 Avenue of the Americas  
31st Floor  
New York, NY 10036

*Counsel for Direct Purchaser Plaintiffs and the Proposed Class*

**KOREIN TILLERY P.C.**

Walter W. Noss (*pro hac vice*)  
Yifan (Kate) Lv (*pro hac vice*)  
707 Broadway, Suite 1410  
San Diego, CA 92101

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**KOREIN TILLERY LLC**

Stephen Tillery  
Rosemarie Fiorillo  
Carol O'Keefe (*pro hac vice*)  
505 North 7th Street, Suite 3600  
St. Louis, MO 63101

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**KOREIN TILLERY LLC**

Labeat Rahmani (*pro hac vice*)  
205 N Michigan Avenue, Suite 1950  
Chicago, IL 60601

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**FINE, KAPLAN AND BLACK,  
R.P.C.**

Roberta D. Liebenberg  
Gerard A. Dever  
One South Broad Street, 23rd Floor  
Philadelphia, PA 19107

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**BURROUGHS LEGAL**

Amelia F. Burroughs  
P.O. Box 1465  
Ferndale, CA 95536

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**RUPP PFALZGRAF, LLC**

Arthur N. Bailey (*pro hac vice*)  
111 West 2nd Street, Suite 1100  
Jamestown, NY 14701

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP**

Jason Lichtman  
Emily N. Harwell (*pro hac vice*)  
250 Hudson Street, 8th Floor  
New York, NY 10013

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**BERGER MONTAGUE PC**

Eric L. Cramer (*pro hac vice*)  
Candice J. Enders (*pro hac vice*)  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**STEYER LOWENTHAL  
BOODROOKAS ALVAREZ &  
SMITH LLP**  
Allan Steyer (*pro hac vice*)  
D. Scott Macrae (*pro hac vice*)  
Alexander Kullar (*pro hac vice*)  
235 Pine Street, 15th Floor  
San Francisco, CA 94104

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**LOCKRIDGE GRINDAL  
NAUEN P.L.L.P.**  
Brian D. Clark (*pro hac vice*)  
Simeon A. Morbey (*pro hac vice*)  
Arielle S. Wagner  
100 Washington Avenue South  
Suite 2200  
Minneapolis, MN 55401

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP**  
Lin Y. Chan (*pro hac vice*)  
Katherine Lubin Benson (*pro hac vice*)  
Jules A. Ross (*pro hac vice*)  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**EDELSON LECHTZIN LLP**  
Marc H. Edelson (*pro hac vice*)  
411 S. State Street, Suite N-300  
Newtown, PA 18940

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**GRABAR LAW OFFICE**  
Joshua H. Grabar (*pro hac vice*)  
One Liberty Place 1650 Market Street  
Suite 3600  
Philadelphia, PA 19103

*Counsel for Direct Purchaser Plaintiffs  
and the Proposed Class*

**LAW OFFICES OF MICHAEL D.  
FITZGERALD**  
Michael D. Fitzgerald  
1 Industrial Way West, Unit B  
Eatontown, NJ 07724  
P.O. Box 1067  
Oakhurst, NJ 07755

*Liaison Counsel for End-User  
Plaintiffs and the Proposed Class*

**ROBINS KAPLAN LLP**

Kellie Lerner  
1325 Avenue of the Americas,  
Suite 2601  
New York, New York 10019

*Co-Lead Counsel for End-User Plaintiffs and the Proposed Class*

**FREED KANNER LONDON & MILLEN, LLC**

Kimberly A. Justice (*pro hac vice*)  
923 Fayette Street  
Conshohocken, PA 19428

*Co-Lead Counsel for End-User Plaintiffs and the Proposed Class*

**FREED KANNER LONDON & MILLEN LLC**

Robert Wozniak  
Nia-Imara Binns  
100 Tri-State International Drive,  
Suite 128  
Lincolnshire, IL 60069

*Counsel for End-User Plaintiffs and the Proposed Class*

**SPECTOR ROSEMAN & KODROFF, PC**

William Caldes  
Diana J. Zinser (*pro hac vice*)  
Cary Zhang  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103

*Counsel for End-User Plaintiffs and the Proposed Class*

**ROBINS KAPLAN LLP**

Benjamin D. Steinberg (*pro hac vice*)  
Ellen G. Jalkut (*pro hac vice*)  
Jordan B. Finkel (*pro hac vice*)  
1325 Avenue of the Americas, Suite  
2601  
New York, New York 10019

*Counsel for End-User Plaintiffs and the Proposed Class*

**ADEMI LLP**

Shpetim Ademi  
3620 East Layton Avenue  
Cudahy, Wisconsin 53110

*Counsel for End-User Plaintiffs and the Proposed Class*

**MCCUNE LAW GROUP**

Dana R. Vogel  
Christopher M. Sloot  
2415 E. Camelback Rd., Suite 850  
Phoenix, AZ 85016

*Counsel for End-User Plaintiffs and  
the Proposed Class*

**NEMATZADEH PLLC**

Justin S. Nematzadeh (*pro hac vice*)  
101 Avenue of the Americas, Suite 909  
New York, NY 10013

*Counsel for End-User Plaintiffs and  
the Proposed Class*

**REINHARDT, WENDORF &  
BLANCHFIELD**

Garrett D. Blanchfield, Jr. (*pro hac  
vice*)  
222 So. 9<sup>th</sup> Street, Suite 1600  
Minneapolis, MN 55402

*Counsel for End-User Plaintiffs and  
the Proposed Class*

**LITE DEPALMA GREENBERG  
& AFANDOR, LLC**

Joseph J. DePalma  
Catherine B. Derenze  
570 Broad Street, Suite 1201  
Newark, NJ 07102

*Liaison Counsel for Indirect Purchaser  
Plaintiffs and the Proposed Class*

**LITE DEPALMA GREENBERG  
& AFANADOR, LLC**

Mindee J. Reuben  
Steven J. Greenfogel  
1515 Market Street - Suite 1200  
Philadelphia, PA 19102

*Liaison Counsel for Indirect Purchaser  
Plaintiffs and the Proposed Class*

**CUNEO, GILBERT & LADUCA  
LLP**

Daniel Cohen (*pro hac vice*)  
Blaine Finley  
Cody McCracken (*pro hac vice*)  
Lissa Morgans (*pro hac vice*)  
4725 Wisconsin Ave., NW, Suite 200  
Washington, DC 20016

*Co-Lead Counsel for Indirect  
Purchaser Plaintiffs and the Proposed  
Class*

**CUNEO, GILBERT & LADUCA  
LLP**

Michael J. Flannery (*pro hac vice*)  
Two City Place Drive, Second Floor,  
St. Louis, MO 63141

*Co-Lead Counsel for Indirect  
Purchaser Plaintiffs and the Proposed  
Class*

**GUSTAFSON GLUEK PLLC**

Michelle Looby (*pro hac vice*)  
Daniel E. Gustafson (*pro hac vice*)  
Daniel C. Hedlund (*pro hac vice*)  
Frances Mahoney Mosedale (*pro hac  
vice*)  
Bailey Twyman-Metzger (*pro hac  
vice*)  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402

*Co-Lead Counsel for Indirect  
Purchaser Plaintiffs and the Proposed  
Class*

**GUSTAFSON GLUEK PLLC**

Dennis J. Stewart (*pro hac vice*)  
600 W. Broadway, Suite 3300  
San Diego, CA 92101

*Co-Lead Counsel for Indirect  
Purchaser Plaintiffs and the Proposed  
Class*

**TOSTRUD LAW GROUP, P.C.**

Jon A. Tostrud  
Anthony M. Carter  
1925 Century Park East  
Suite 2100  
Los Angeles, CA 90067

*Interim Producer Indirect Purchaser  
Plaintiffs' Steering Committee*

**BOIESBATTIN LLP**

Timothy D. Battin  
Christopher V. Le (*pro hac vice*)  
4041 University Drive, 5th Floor  
Fairfax, VA 22030

*Interim Producer Indirect Purchaser  
Plaintiffs' Steering Committee*

**ZIMMERMAN REED LLP**

David M. Cialkowski (*pro hac vice*)  
June P. Hoidal  
Ian F. McFarland (*pro hac vice*)  
1100 IDS Center  
80 S. 8th St.  
Minneapolis, MN 55402

*Counsel for the Indirect Purchaser  
Plaintiffs and the Proposed Class*

**PLEASE TAKE NOTICE** that on July 15, 2024, or such other time and date as set by the Court, Defendants DSM-Firmenich AG, Firmenich International SA, and Firmenich SA (the “Firmenich Foreign Defendants”) will move before the Honorable Judge William J. Martini, Judge of the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for entry of an Order granting the Firmenich Foreign Defendants’ Motion to Dismiss Plaintiffs’ Consolidated Complaints for (1) Insufficient Service of Process as to Firmenich SA and (2) Lack of Personal Jurisdiction with prejudice.

**PLEASE TAKE FURTHER NOTICE** that, in support of the within motion, the Firmenich Foreign Defendants rely upon the accompanying Memorandum of Law in Support of the Firmenich Foreign Defendants’ Motion to Dismiss for (1) Insufficient Service of Process as to Firmenich SA and (2) Lack of Personal Jurisdiction and the Declaration of Laetitia Pictet.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is being submitted herewith.

Dated: April 8, 2024

**DUANE MORRIS LLP**

/s/Sean P. McConnell \_\_\_\_\_

Sean P. McConnell  
Sarah O'Laughlin Kulik  
30 S. 17th Street  
Philadelphia, PA 19380  
(215) 979-1947  
pmcconnell@duanemorris.com  
ckulik@duanemorris.com

**DAVIS POLK & WARDWELL LLP**

Arthur J. Burke (*pro hac vice*)  
Anna M. Kozlowski (*pro hac vice*)  
450 Lexington Avenue  
New York, NY 10017  
(212) 450-4000  
arthur.burke@davispolk.com  
anna.kozlowski@davispolk.com

*Counsel for Defendants DSM-Firmenich AG, Firmenich International SA, and Firmenich SA*

**LOCAL RULE 11.2 CERTIFICATION**

Pursuant to Local Civil Rule 11.2, I hereby certify that, to the best of my knowledge, the matter in controversy in this case is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding. I am aware that if the foregoing is willfully false I am subject to punishment.

Dated: April 8, 2024

*/s/Sean P. McConnell*  
\_\_\_\_\_  
Sean P. McConnell

**CERTIFICATE OF SERVICE**

I, Sean P. McConnell, an attorney duly admitted to practice in this District, hereby certify that:

1. On April 8, 2024, I caused a true copy of the following documents to be filed and served by CM/ECF in accordance with the District of New Jersey's Rules on electronic service:
  - a. Notice of Firmenich Foreign Defendants' Motion to Dismiss for (1) Insufficient Service of Process as to Firmenich SA and (2) Lack of Personal Jurisdiction;
  - b. Memorandum of Law in Support of the Firmenich Foreign Defendants' Motion to Dismiss for (1) Insufficient Service of Process as to Firmenich SA and (2) Lack of Personal Jurisdiction;
  - c. Declaration of Laetitia Pictet in support of the Firmenich Foreign Defendants' Motion to Dismiss; and
  - d. Proposed Order Granting the Firmenich Foreign Defendants' Motion to Dismiss.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Dated: April 8, 2024

**DUANE MORRIS LLP**

/s/Sean P. McConnell

Sean P. McConnell  
Sarah O'Laughlin Kulik  
30 S. 17th Street  
Philadelphia, PA 19380  
(215) 979-1947  
spmcconnell@duanemorris.com  
sckulik@duanemorris.com

**DAVIS POLK & WARDWELL LLP**

Arthur J. Burke (*pro hac vice*)  
Anna M. Kozlowski (*pro hac vice*)  
450 Lexington Avenue  
New York, NY 10017  
(212) 450-4000  
arthur.burke@davispolk.com  
anna.kozlowski@davispolk.com

*Counsel for Defendants DSM-Firmenich AG, Firmenich International SA, and Firmenich SA*